

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 30th day of Nov., 99.

C.C.P. 44/92

HON. MR. D.C. VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(J)

Rishi Bindroo aged about 30 years son of Shri G.L. Bindroo resident of 88/3, Kendranchal Colony, Sector K, Aliganj, Lucknow.

Petitioner.

None for petitioner.

versus

1. 1. Shri Shahsi Kant Kapoor, D.G. Doordarshan, Mandi House, New Delhi.

2. Shri Vilayat Jafri, Director Doordsarhsn Lucknow.

3. Shri R.K. Sinha, Director Doordarshan Kendra, Lucknow.

Respondents.

By Advocate Shri A.K. Chaturvedi.

O R D E R

BY D.C. VERMA, MEMBER(J)

By this Contempt Petition the petitioner Rishi Bindroo of O.A. 360/90 In ~~Rishi~~ Rishi Bindroo vs. Union of India has submitted that the respondents have failed to comply with the directions of the Tribunal passed on 5.7.1991.


2. The brief facts are that a number of Casual Artistes of Doordarshan filed different O.As before the Tribunal for regularisation. All the O.As were decided by a common order on 5.7.91. As per the Tribunal's order dated 5.7.91 the Principal bench of this Tribunal had framed a Scheme for absorption of Casual Artistes in the case of Vasudev and others vs. Union of India and others decided on 8.2.1989. While deciding the O.A. of the applicants, the Tribunal directed that as per principles laid down in the scheme framed in the case of Vasudev(supra) the cases of the applicants who have been continuously working and were appointed against permanent post, shall be considered for regularisation without any formality. Those who were not called for interview, shall not be deprived of regularisation or interview without applying afresh. The following direction was given by the Tribunal:



"Accordingly, we direct that in case the scheme so formulated is implemented, the same shall be formulated in respect of these applicants within three months of the receipt of copy of this judgment. The direction regarding regularisation without anything more or taking of interview without applying afresh for the post shall stand after the implementation of the Scheme laid down by the Tribunal."

3. The respondents' case is that ^{when} the case of the applicant was decided by this Tribunal, another case of Anil Kumar Mathur and others vs. D.G. Doordarshan and others and a ^{similar} ~~of~~ cases were ~~decided~~ pending before the Principal Bench for decision. The Principal Bench decided the Bench of cases (Anil Kumar Mathur) (supra) on 14.2.92, i.e. after the decision of the applicant's case by Lucknow Bench of the Tribunal on 5.7.91. The order of the Lucknow bench dated 5.7.91 was also before the Principal bench of the Tribunal when it decided Anil Kumar Mathur's case on 14.2.92. After consideration, the Principal Bench directed the respondents to recast and finalise the Scheme within a period of three months. Subsequently, the Scheme was framed and notified on 9.6.92 on the subject "Scheme for Regularisation of Casual Artistes in Doordarshan". A copy of the Scheme is on record. This Scheme was framed in pursuance of the directions of the Hon. Supreme Court and of Central Administrative Tribunal, particularly, the Principal Bench order dated 14.2.92 in the case of Anil Kumar Mathur (supra). A copy of the Scheme shows that this Scheme had the approval of the Hon. Supreme Court also. Consequently, the case of the applicant was considered and thus there is no non compliance of the Tribunal's order.

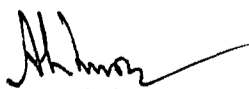
4. As none appeared for the applicant, we have, with the help of learned counsel for the respondents, gone through the pleadings on record. We find, that as per the respondents, in compliance of the Tribunal's order dated 5.7.91, the applicant was considered and found eligible in terms of the Scheme and the name of the applicant alongwith others was

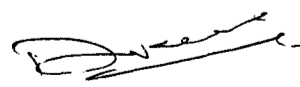


approved by the Director General, Doordarshan, New Delhi vide letter dated 14.6.95 and 22.12.95. The name of the applicant was placed in the panel for the post of Lighting Assistant at serial No. 2 alongwith 8 others. For delay in consideration of applicant's name, the respondents have given reasons in their various affidavits brought on record and for the reasons already dictated above. The learned counsel has further submitted that Doordarshan was to frame a Scheme in accordance with the directions given by the Tribunal, so it was circulated to all Doordarshan Kendras of the country under the O.M. dated 9.6.92. Subsequently, after a final decision of the Principal Bench and of the Hon. Supreme Court, a Scheme was finalised. The Scheme was subsequently modified in 1994 for the purposes of counting the working period. It has also been submitted that to implement the Tribunal's order dated 5.7.91 the Directorate shifted some posts from other Kendras to Lucknow but unfortunately, various categories of posts covering all the 4 Groups A, B, C and D were abolished in accordance with Ministry of Finance order dated 28.2.95. Consequently, the Lucknow Doordarshan Kendra was left with only one post of Lighting Assistant which was already occupied by a regular incumbent.

5. In view of the facts mentioned above, we find that there is no non compliance on the part of the respondents. Though there is delay, but the delay has been explained. Further, we have found that as per the reply filed on 20.2.97, as and when the post of Lighting Assistant in Doordarshan Kendra falls vacant and becomes available, the case of the applicant for appointment for regularisation shall be considered in order of the panel in accordance with the Tribunal's judgment dated 5.7.91.

6. In view thereof, we find that there is no merit in the Contempt Petition. The same is dismissed. Notices discharged.


MEMBER(A)


MEMBER(J)

Lucknow; Dated: 30.11.99

Shakeel/